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In re Application of : MAILED  
Burmaster et al. : FEB 14 2012  
Application No. 09/693,418 :  
Patent No.: 6,776,974 : DECISION ON PETITION  
Filed: October 20, 2000 : PURSUANT TO  
Issued: August 17, 2004 : 37 C.F.R. § 1.28(c)  
Attorney Docket No. ENV 9851.1 :  
Title: PROCESS FOR THE :  
PRODUCTION OF SULFUR :  
: OFFICE OF PETITIONS

This is a notice regarding your request for acceptance of a fee deficiency submission pursuant to 37 C.F.R. § 1.28, received on January 23, 2012. On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 C.F.R. § 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. See DH Technology v. Synergystex International, Inc. 154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).

The Office no longer investigates or rejects original or reissue applications under 37 C.F.R. § 1.56. 1098 Off. Gaz. Pat. Office 502 (January 3, 1989). Therefore, nothing in this notice is intended to imply that an investigation was done.

Petitioner has identified the particular type of fee that was erroneously paid as a small entity, when the small entity fee was actually paid, the small entity fee that was actually paid, the deficiency owed amount, and the total deficiency payment owed.

The deficiency payment in the amount of \$665.00 has been received.

Your fee deficiency submission pursuant to 37 C.F.R. § 1.28(c) is hereby accepted. The petition is **GRANTED** accordingly.

This patent is no longer entitled to small entity status.  
Accordingly, all future fees paid in this patent must be paid at  
the large entity rate.

Telephone inquiries regarding *this decision* should be directed to  
the undersigned at (571) 272-3225.



Paul Shanoski  
Senior Attorney  
Office of Petitions